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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,883	07/03/2003	Ronald D. Moran	33319	6857

7590

07/15/2005

Hovey Williams LLP  
Suite 400  
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EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/613,883	MORAN, RONALD D.	
	Examiner	Art Unit	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,12,13,16-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-27 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 12,13,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/613,883 Method and Apparatus for Retaining Model Structural Members, filed on 7/3/03. Claims 1-8, 10, 12, 13, 16-27 and 29 are pending. This **Final Office Action** is in response to applicant's reply dated 3/30/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Claim Objections***

Claim 21 is objected to because of the following informalities:

The claim recites "siad" in line 14, which should be changed to "the".

Appropriate correction is required.

Claims 12 and 13 are dependent on cancelled claim 11 and therefore could not be further reexamined.

### ***Claim Rejections - 35 USC § 102***

Claims 1-5, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5318391 to Breiner.

Breiner contains a device (50) having a substantially planar base member (30, 40, 100) having a plurality of recessed holes (26, 101) extending through the base

Art Unit: 3632

member therein and arranged in a multiplicity of rows and columns with substantially constant spacing, and a carrier (24) with side rails, removably mounted to base and at least one one-piece retainer having an integrally connected peg (52), flange (58), lobe (51) and handle (54), the peg having a first transverse dimension complementally sized with the recesses for removable receipt therein the flange having a second transverse dimension greater than the first transverse dimension and sized for holding a model structural member between the base member and the flange, the lobe (51) having a circumscribing engagement surface positioned between the flange and the peg, the lobe having a greater cross-sectional area than the peg to resist entry into a recess of the base member and having a transverse dimension which is smaller than the second transverse dimension of the flange, whereby a model structural member may be held between the flange and the base member by the retainer. and the handle extending from the flange opposite the peg, wherein the peg is sized and configured for pivoting within the recesses and for frictional engagement with the base member surrounding the recesses, the retainer being formed as a unitary member whereby turning of the handle causes the retainer.

***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over 5318391 to Breiner.

Although Breiner doesn't specifically teach that the base is constructed of a synthetic resin, the material is used for its durable and lightweight properties and it

Art Unit: 3632

would be obvious to one having ordinary skill in the art at the time the invention was made to use any suitable material, including plastic in order to have a device that is durable yet lightweight.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-27 and 29 are allowed.

The prior art does not show wherein a model structural member having a thickness the height of the engagement surface of the lobe height between the flange and the peg.

The reason is that the prior art does not show wherein the arm includes a shoulder extending outwardly from the frame and a finger spaced from one of the edges for receiving and holding a model structural member in a space located between the edges and the finger.

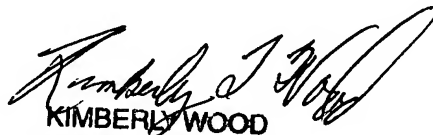
The prior art also does not teach the method of providing a base member having a plurality of recesses therein, at least one retainer having a peg of a first transverse dimension complementally sized for receipt in the recesses, a flange having a second transverse dimension substantially greater than the first transverse dimension, a lobe positioned between the flange and the peg, the lobe having a greater cross-sectional-area than the peg to resist entry into a recess of the base member and having a transverse dimension which is smaller than the second transverse dimension of the flange, and a handle extending from the flange opposite the peg, the retainer being formed as a unitary member whereby turning of the handle causes the retainer to pivot about the peg when the peg is received within one of the recesses. and a plurality of model structural members, holding a first of the plurality of model structural members in contact with the base member using the at least one retainer by inserting the peg of the at least one retainer into a recess proximate the model structural member with at least a portion of the model structural member held by the flange against the base member and bonding a second one of the plurality of model structural members to the first of the plurality of structural members curing the bond between the first and second structural members.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3632

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
AJSAmy J. Sterling  
7/1/05  
KIMBERLY WOOD  
PRIMARY EXAMINER